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REMARKS

In the above-referenced office action, the Examiner maintained the rejections under 35 USC 103. Applicant respectfully traverses.

In claim 36, as an example, the Examiner appears to rely on Snell as teaching all of the elements of the claim except for using two different communication protocols. For that element, the Examiner relies upon Frid et al. In this analysis of Snell, the Examiner has either ignored an element of the claim or inappropriately combined two distinct elements of the claims together and asserted that they are both somehow taught by one element of the Snell reference. With respect to Frid, that reference does discuss communication protocol options, but no fair reading of the reference would teach using a first protocol for communication between two specific devices and a different protocol between the same two devices with a further distinction of receiving and/or not receiving "receipts."

In particular, claim 36 includes four distinct components that engage in communication (IMD, programmer, server & client computer):

1) IMD to/from programmer

2) Programmer to/from server

3) Server to/from client computer (1st protocol)

4) Server to/from client computer (2nd protocol).

With respect to Snell, the Examiner has indicated that the IMD is element 16. The "programmer" is monitor 10. The "server" or "host" is central monitoring station 12. The Examiner later states that "Snell discloses interconnecting physiological monitors (clients) to a central monitoring station (server)." Of course, in this statement the programmer is notoriously absent.

Snell's monitor 10 is not both the claimed programmer and the claimed client computer. Thus, the analysis in the office action has failed to properly address each element of the claim.

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Furthermore, Frid does not teach using different communication protocols between the same two devices at different times. The reference generally teaches network protocols (WAN, LAN, etc.) and the types of physical mediums that may be employed for data transfer.
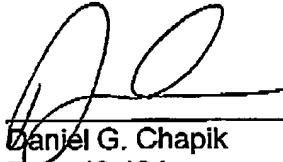
Thus, no reference or combination of references teaches an IMD in communication with a programmer, the programmer in communication with a server and the server in communication with a client computer using two different protocols. No motivation beyond a desire to forge a rejection exists to modify the communication pathway or bus between Snell's monitor and the central monitor according to the teaching of Frid. The motivation offered in the rejection is conclusory at best and quite difficult to comprehend. Finally, even if Frid were combined with Snell, which is legally and logically inappropriate, the resultant combination is not the claimed invention.

For these and other reasons, the pending claims are in condition for allowance and notice of the same is requested. Should any issues arise, the Examiner is invited to telephone the below-signed attorney to discuss this application.

Respectfully submitted,

Date: ___1/30/06___

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